FOR MYSORE STATE.

Secdt. II-27—100,000—28-6-62.

Finance (19 58) Department.

M/S SERIES.

G.O. No. 805

Dated 12.8.58

[Despatch Abstract.]

Leave - Leave refused under C.R 86 bound during re-employment - Grant of 2nd letter - Recorded - Amendment to rule 28 of the Madras leave rules 37.

No.F.8(70)-Est.IV/47.
Government of India,
Ministry of Finance.

New Delhi, the 23rd June, 1948.

OFFICE MEMORANDUM.

Subject:- Extent to which a Government servant re-employed immediately after retirement can avail himself during the period of re-employment of the leave earned before retirement and refused under F.R.86, in combination with leave earned during re-employment.

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The Government of India have had under the consinderation the question of limiting the total period of leave on average pay, in combination with earned leave, of which, a Government servant who has retired, and has immediately been re-employed, can avail himself at a time in a case where he was refused leave under F.R.86 before retirememt, and was permitted to enjoy that refused leave during the period of his re-employment. It has now been decided that such a re-employed Government servant should not be granted a greater concession inthe matter of leave than a Government servant allowed, on public grounds an extension of service beyond the date of his compulsory retirement, whose leave on average pay is limited at one time, under86 (b), to six months if he is governed by the Special Leave Rules and to four months if by the Ordinary Leave Rules. Thus, while the total leave admissible in such a case will be the total of the leave refused under F. R.86 and of the leave earned during the period of re-employment, combination of leave on average pay and earned leave at any one time during the period of re-employment will be restricted as indicated below:-

(a) for a Government servant governed before retirement by the Special Leave Rules- six months;

(b) for a Government servant governed before retirement either by the Ordinary Leave Rules in the Fundamental Rules, or by the Leave Rules in the Civil Regulations - four months.

2. If an officer was eligible before retirement for war concessional leave in accordance with the orders contained in Finance Department Letter No.F.44(11)-W/44, dated the 23rd August 1944, but had been refused the leave he will be allowed to add that leave to the period of leave on average pay mentioned in para 1 above, even if the total period of leave on average pay exceeds six months in the case of (a) and four months or six months where para 3 below applied in the case of (b). This leave should, however, be availed of before the end of September 1948, and will otherwise to governed by the conditions mentioned in the Finance Department letter No.F.7(15)-E.II/46, dated the 16th September 1946.

3. In the case of a Government servant whose application for leave preparatory to retirement was made between the 31st July 1945 and the 31st March 1947, and who was not granted, during the period of re-employment, the concession of earning leave under the Finance Department Office Memorandum No.D.809-EII/46 dated the 28th January 1946 the maximum limit of four months referred to in para. I(b) above, will be increased to the extent indicated in the Finance Department letter No.F.12(2)-WII/45, dated the 4th July 1947.

P.T.O

4. During the periods of leave in all these cases leave salary for periods of earned leave will be determined with reference to the revised Leave Rules, and for periods of leave on average pay and half avarage pay will be calculated on the pay for the relevant periods ~~XXXX~~ immediately before the Government servant's retirement.

(C. S.Menon)
Deputy Secretary to the Government of India.

To

All Ministries of the Government of India (Including the Ministry of States); the Cabinet secretariat; the Prime Minister's Secretariat; the Secretariat of the Development Board.

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No.F.7(70)-E.IV/47.

Copy forwarded to all Chief Commissioners.

Copy also forwarded to the Milit ary and Private Secretaries to the Governor General; the Registrar, Federal Court; the Federal Public Service Commission, the Red Cross Commissioner, India; the Controller General Army Provision (Estern Group); the Financial Commissioner Railways the Auditor General of India all Accountants General including Accountant General, Posts and Telegraphs and Comptrollers including Comptroller Orissa States Puri(Bengal and Nagpur Railway); the Deputy Accountants General under the Accountant General, Posts and Telegraphs; the Accounts Officer, Telegraph Check Office, Calcutta; the Accountant General, Food Industries and Supplies; the Deputy Accountants General Industries and Supplies, New Delhi, Bombay and Calcutta the Deputy Accountant General,Food New Delhi; the Audit Officer, Tungabhadra Project the Director ofAudit, Defence Services; the Director of Railway Audit and all Railway Audit Officers under his control; the Chief Accounts Officers East Indian Railway, Calcutta; Bengal and Assam Railway, Calcutta; Great Indian Peninsula Railway, Bombay; the East Punjab Railway, Delhi; and the Burma Railways; the irector of Railway clearing Accounts Office; all Divisions of the Finance Ministry including the States and External Affairs Division and the Financial Adviser, Delhi Province; the National Savings Central Bureau; the Controller of Coal Accounts the Mint Master, Bombay and Calcutta and the Master, India Security Press, Nasik Road; the Officer-in-charge construction, New Mint, Alipore, Calcutta-27; the Administration Officer, Burma Supply Mission, New Delhi; the International Labour Office, Indian Branch, New Delhi; the Economy Committeel office of the Representtive in India; Ministry of Suppy Mission U.K., New Delhi; Commidities Prices Board, Burma Suppy Mission New Delhi; the Chief Accounting Officer to the High Commissioner for India, London.

Copy also forwarded to all Provincial Governments and the Government of Burma.

By order, etc.,

Assistant Secretary to the Government of India

Copy to Cash, Est.I,II,III,V,VI and Est.(Spl)Sections.

"MEHTANI"
23.6.48.

/True copy/

13/5

FINANCE DEPARTMENT.

Sub: Leave - Leave refused under F.R186 - Grant during re-employment - Govt. of India's letter- recorded- Amendment to Note Under Rule 28 of the Madras Leave Rules - Issued.

Ref:- From the Govt. of India, Ministry of Finance, No.F.7 70 Est.IV/47 dated 23-6-48.

6666No.( ) 805, Finance dated 17-8-48.

Recorded.

2. The above concessions shall also be applicable to all officers of superior and inferior service in the Provincial and Subordinate Services, who are under the rule-making control of the Govt. of Madras . The period specified by the Govt. of India in para 3 of their letter shall be modified between 8th October 1945 and the 31st March 1947 so far as it relates to such offices.

3. In exercise of the powers conferred by section 241 (2)(b) of the Govt. of India Act, 1935, H.E. the Governor of Madras hereby makes the following amendment to the Madras Leave Rules, 1933:-

Amendment.

For the Note to rule 28 of the said rules the following Note shall be substituted namely.

"Note. In the case of a re-employed Govt. servant who was governed by either the ordinary leave rules in the Fundamental Rules or by the leave rules in the Civil Service Regulations prior to his re-employment, leave salary equal to full pay or average pay, is admissible only up to a maximum period of four months at a time During leave in excess of this period, he will draw leave salary equal to one-half of full pay or average pay. In the case of a re-employed Govt. Servant who was governed by the Special Leave Rules prior to his re-employment, leave salary equal to full pay or average pay is admissible for the entire period of six months.

To

The A. G.,Madras.
The Heads of Deptts.
The Deptts. of Sectt.
The Secy., M.P. S.C.
The S.G.P. for Publn. in the F.S.G.G.
The Secy. to Govt. of India Min. of Finance.
The Secy. to Govr-Gl (Pub).
The Special Officer (Department Enquiries)

/True Copy/

SUPERINTENDENT,
Madras Record Office.

N.G.12/5/.

Finance (CSR.)

Sub:- Leave - Leave refused under F.R.86 - Grant during Re-employment.

Ref:- From the Govt. of India, Ministry of Finance, No.F.7 (70) Est/IV/47 dated 23-6-48.

The letter from the Govt. of India in the CF. deals with the extent to which a Govt. Servant re-employed immediately after retirement can avail himself, during the period of re-employment, of the leave earned before retirement and refused under F. R.86, in combination with leave earned during re-employment.

2. A Govt. servant re-employed, after the date of compulsory retirement, may be granted during re-employment the amount of leave refused under F.R.86 and the leave earned during the period of re-employment, subject to a maximum of six months. The Govt. of India have decided that the combination of refused leave on average pay and the earned leave, at any one time, during the period of re-employment should be restricted as indicated below:-

(a) for a Govt. servant governed, before retirement by the Special Leave Rules 6 months.

(b) for a Govt. servant governed before retirement either by the Ordinary Leave Rules in the F.Rs. or by the leave rules in the Civil Service Regulations.. 4 months.

The restrictions contemplated by the Govt. of India are apparently based on the fact that a Govt. servant governed by the Special Leave Rules in eligible for 8 months leave on average pay at a time and that one governed by the ordinary Leave Rules in the F.Rs., or by the leave rules in the C. S.R., is eligible for 4 months leave without M.C on average pay at a time. In fact, there is already a provision in the rules of this Govt. to the effect that in the case of a re-employed Govt. servant who was subject to ordinary Leave Rules prior to his re-employment, leave salary equal to full pay, or average pay is admissible only up to a maximum period of 4 months at a time and that during leave in excess of this period he will draw leave salary equal to one-half of full pay or average pay... vide Note under Rule 28 of the Madras Leave Rules. The Note referred to above may amended suitably so as to include Govt. servants governed before retirement, by the Special Leave Rules or the leave Rules in the C.S.R.

3. In 1944, the Govt. of India sanctioned to the officers of the Secretary of State, war concessional leave at the rate of one month or 15 days, according as the officer was governed by F.Rs or Revised Leave Rules, for each completed year of service during war. The concession was extended up to 30-9-47. It was ordered that the leave due in respect of the qualifiying period ending 30-9-47 might be taken at any time within that period, but will lapse on 30-9-47 unless it was formally applied for in writing and refused in sufficient time before that date, in the interest of public service, in which case it might be enjoyed up to 30-9-48. The Govt. of India have now decided that such refused leave when taken during the period of re-employment, should be added to the ~~period~~

cont.

period of leave referred to at 'A' and 'B' on p.1 above even if the total period of leave on average pay exceeds the limits mentioned therein. Their decision may be accepted.

4. In G.O. 175 Fin., dated 20-2-46, it was ordered that in the case of all re-employed pensioners, holding gazetted posts who have completed one year's service, leave will be calculated at 1/11th of the period spent on duty instead of at 1/22nd.

Under G,O.1070 Finl, dated 8-10-45, a Govt servant governed by the Ordinary Leave Rules in the F.Rs. was eligible to take leave preparatory to retirement for a period of six months instead of 4 months on average pay, in relaxation of F. R.81(b) (ii). The concession was in force till 31-3-47. It was subsequently ordered that if such leave preparatory to retirement had been refused in the interest of public service, before 31-3-47, leave on average pay for 6 months, or for the period from the date of the officer concerned asked for his leave to the date of his superannuation, whichever was less, might be allowed to the officer, when the leave was finally availed of by him after the date of compulsory retirement, under the conditons specified in F. R.86.

The Govt. of India have now decided that in the case of a Govt. servant whose application for leave preparatory to retirement was made between 31-7-45 and 31-3-47 and who was not granted the concession mentioned in sub-para(1) above, the maximum leave, on average pay, referred to at 'A' cn p.1 above should be increased to the extent indicated in sub-para (2) above. The period "31-7-45 to 31-3-47" referred to by the Govt. of India apparently refers to the period during which the concession mentioned in sub-para (2)above was in force As ther are not likely to be many cases of the above kind and as the original concession granted by the Govt. of India was extended to officers under this Govt. also, the benefit accoding from the present decision of the Govt.of India may also be extended to all officers of superior and inferior service in the Provincial and Subordinate Services, who are under the rule-making control of the Local ~~XXXXXXXX~~ Govt. The period during which the concession referred to in sub-para (2) above was in force in this Province was from 8-10-45 to 31-3-47. The period "31-7-45 to 31-3-47" specified by the Govt. of India should, therefore, be suitabley modified so far as it relates to this Government.

5. The Govt. of India have also decided that during the periods of leave in all these cases, leave salary for period of earned leave will be determined with reference to the Revised Leave Rules and for periods of leave on average pay and half-average pay will be calculated on the pay for the relevant periods immediately before the Govt. servant's retirement. This may be agreed to.

6. A draft order is submitted for approval.

Public(Ser) may see before circulation and Leagal for scrutiny of para 3 of the draft.

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perused Note on p 1-3 ante and the draft order below may be ~~presented~~ and the file passed on to the Legal Department.

Sd.....

/True copy/

SUPERINTENDENT,
Madras Record Office.

N.G.12/5/.

13/5

Legal Department.

The Alterations indicated in red ink on paragraph 3 of the draft may be made.

Sd..... .....

FINANCE (CSR)

The case may now be circulated to Hon'ble Minister for Finance. The minor amendments made by the Government of India to the leave rules may be accepted by this Government, as detailed in the office note at pp 1-3 above.

Sd.....
Hon'ble Minister for Finance.

/True copy/

SUPERINTENDENT,
Madras Record Office.

N.G.13/5/.

13/5